

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE
MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION

UNITED STATES OF AMERICA)	
)	
v.)	CRIMINAL ACTION NO.
)	2:06cr218-MHT
GEORGE HOEY MORRIS)	(WO)
a/k/a JOHNNY RAY FORTUNE)	

OPINION AND ORDER

This case is before the court on the question whether defendant George Hoey Morris has attained the mental competency to stand for sentencing. For the reasons given below, the court finds that Morris is mentally competent.

Morris was tried and found guilty on one count of making a false statement in a passport application in violation of 18 U.S.C. § 1542. However, by order entered on May 2, 2008, the court declared Morris mentally incompetent to be sentenced and, pursuant to 18 U.S.C. § 4241(d)(1), ordered that the Attorney General of the

United States hospitalize him for treatment for a reasonable period of time, not to exceed four months, to determine whether there was a substantial probability that he would attain sufficient mental capacity in the foreseeable future. United States v. Morris, 550 F. Supp. 2d 1290 (M.D. Ala. 2008) (Thompson, J.).

The medical personnel at the Federal Medical Center in Butner, North Carolina, completed their psychiatric examination and filed their final report on October 10, 2008. The report concluded that Morris was still suffering from "a mental disease or defect rendering him mentally incompetent ... to understand the nature and consequences of the proceedings ... or assist properly in his own defense." Psychiatric Evaluation (Doc. No. 133), at 1. However, the report also expressed optimism that, "with an additional period of hospitalization and treatment, Mr. Morris' competency to stand trial may be restored." Id. Accordingly, the court ordered Morris committed to the custody of the Attorney General for "an

additional reasonable period of time until ... his mental condition is so improved that trial may proceed.'" "

United States v. Morris, 2008 WL 4722041, *1 (M.D. Ala. 2008) (Thompson, J.) (quoting 18 U.S.C § 4241(d)(2)).

On February 26, 2009, the court received a final report from the Federal Medical Center concerning Morris's mental competency. Based on clinical interviews, behavioral observations, a physical examination, and tests for mental competency and malingering, the report determined that Morris suffers from Adjustment Disorder with Mixed Anxiety and Depressed Mood and that he has a history of Posttraumatic Stress Disorder. However, the principal diagnoses was Malingering. The report noted that Morris received a score of 35 on the Structured Inventory of Malingered Symptomatology, which is "significantly elevated above the recommended cutoff score of 14 for the identification of suspected malingering," Psychiatric Evaluation (Doc. No. 138), at 6, and "strongly indicative of malingering."

Id. at 7. While the report noted that Morris suffers from Antisocial Personality, making him hard to work with, it also indicated that he "has the ability to (1) relate meaningful information to his lawyer in an organized manner; (2) testify on his own behalf (if recommended to do so by his lawyer); and (3) assist in challenging witnesses against him." Id. at 10. The report ultimately concluded that "there is ample evidence indicating Mr. Morris' competency," id. at 8, and "he demonstrates the mental ability to work with an attorney at sentencing." Id. at 10.

After reviewing this report, the court scheduled a competency and sentencing hearing, which took place on April 16, 2009. Based on the evidence presented at that hearing, including the report received from the Federal Medical Center, the court finds that Morris is not "suffering from a mental disease or defect rendering him ... unable to understand the nature and consequences of

the proceedings against him or to assist properly in his defense." 18 U.S.C. § 4241(a).

Accordingly, it is ORDERED and DECLARED that defendant George Hoey Morris is mentally competent to undergo sentencing in this case.

DONE, this the 22nd day of April, 2009.

/s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE